

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

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IN RE: MI WINDOWS AND DOORS, INC. PRODUCTS LIABILITY LITIGATION	:	MDL NO. 2333 2:12-MN-00001-DCN ALL CASES
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**PLAINTIFFS' PROPOSED PRETRIAL CONFERENCE AGENDA**

Plaintiffs' counsel for the *Johnson*<sup>1</sup>, transferred, and conditionally transferred cases hereby propose the following matters for discussion at the July 12, 2012 Pretrial Conference:

- I. STATUS OF MDL TRANSFER OF ACTIONS
  - a. List of All Known Actions
  - b. Transfer of All Actions
  - c. Status of Conditional Transfers
  - d. ECF Status
  - e. Pro hac vice motions/waiver of local counsel
- II. APPOINTMENT OF LEAD/LIAISON COUNSEL AND PLAINTIFFS' STEERING COMMITTEE
- III. PLEADINGS
  - a. Status of Pending Complaints – relief from Answering
  - b. Date for filing Consolidated Amended Complaint by transferred Plaintiffs
  - c. Date for Defendant to Answer or otherwise respond to the Consolidated Amended Complaint
- IV. DUAL TRACK PROCEEDING:
  - a. Lead Case: *Johnson*
  - b. Remaining MDL cases
- V. EARLY SETTLEMENT/CLAIMS RESOLUTION PROCESS
- VI. DISCOVERY ORDERS
  - a. Stipulation Regarding the Production of Electronically Stored Information (ESI)

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<sup>1</sup> *Nadine Johnson, et al. v. MI Windows and Doors, Inc.*, Case No. 2:11-cv-00167-DCN (U.S.D.C., Charleston Division).

- b. Preservation Order
- c. Confidentiality Orders
  - a. Use of *Johnson* Order and future application
- d. Status of Discovery to Date
  - a. *Johnson* Discovery Due
  - b. Defendant's 30(b)(6) Deposition (*Johnson* Notice and Areas of Inquiry)
- e. Expedited Discovery Schedule
- f. Other
  - a. Document depository
  - b. Date labeling

VII. MDL PROCEDURAL MATTERS

- a. Direct Filing of Additional Actions
- b. Tolling

VIII. PROTOCOL FOR TESTING AND PRESERVATION OF EVIDENCE

IX. DEPOSITION AND DISCOVERY PROTOCOLS

X. STATUS OF DIRECTIVE IN CASE MANAGEMENT ORDER #1

- a. Consideration of Plaintiffs' Proposed CMO<sup>2</sup> No. 2
- b. Service List
- c. Statement of Affiliates
- d. Scheduling of Monthly Status Conferences

XI. CLASS CERTIFICATION

- a. Timing
- b. Experts/*Daubert*

XII. LIST OF ALL PENDING MOTIONS

XIII. OTHER MATTERS

- a. Plaintiffs' proposed treatment of *Johnson* severed claims
- b. Management of future third-party claims
- c. Management of claims brought by parties other than homeowners

This Proposed Pretrial Conference Agenda is submitted with the consent of Plaintiffs' counsel for the *Johnson* case, all cases transferred by the Judicial Panel on Multidistrict Litigation in its April 23, 2012 Order, and conditionally transferred cases.

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<sup>2</sup> To be circulated to Defendant on or before July 21, 2012.

Respectfully submitted,

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June 7, 2012  
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